10/517232

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PATENT TRADEMARK OFFICE

CHAPTER II

TRANSMITTAL LETTER TO THE UNITED STATES ELECTED OFFICE (EO/US)

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/KR2003/001358

9 JULY 2003

13 JULY 2002, etc.

TITLE OF INVENTION

WHEELCHAIR WITH FORCED DRIVEN FRONT CATERPILLAR WHEELS

APPLICANT(S)

NAG-BOK LIM

Mail Stop PCT Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

ATTENTION: EO/US

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date <u>December 7, 2004</u>, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number <u>EV 481671818 US</u>, addressed to the: Commissioner for Patents, P. O Box 1450, Alexandria, VA 22313-1450.

CONNIE YANNOTTI
(type or print name of person mailing paper)

Signature of person mailing paper

WARNING:

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING:

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US)—page 1 of 9) 13-18

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NOTE: To avoid abandonment of the application, the applicant shall furnish to the USPTO, not later than the expiration of 30 months from the priority date: (1) a copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the USPTO; and (2) the basic national fee (see 37 C.F.R. § 1.492(a)). The 30-month time limit may not be extended. 37 C.F.R. § 1.495(a) and (b).

WARNING:

Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C.F.R. §1.8.

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f).

- 1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
 - a. [X] This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
 - b. [X] The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:
 - c. [] ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

2. Fees

CLAIMS FEE *	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS*	9 - 20 =		x \$18.00 =	\$
	INDEPENDENT CLAIMS*	6 -3=	3	x \$88.00 =	264.00
	MULTIPLE DEPENDE	NT CLAIM(S) (if ap	plicable) + \$290.0	0	
BASIC FEE**	[] U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: [] and the international preliminary examination report states that the criteria of novelty, inventive step (nonobviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4))				
	international sept PTO: [] has \$79 [X] has \$1,1 [] whe beer Japa	been paid to the U.S earch fee as set forth been paid (37 CFR 1 0.00 not been paid (37 CF 10.00 re a search report on a prepared by the Eur unese Patent Office (3	in § 1.445(a)(2) to .492(a)(2)) R 1.492(a)(3)) the international appropriate Patent Office 37 CFR 1.492(a)(5)	the U.S uplication has e or the	
		= 1,374.00			
SMALL ENTITY	Reduction by ½ for filing filed. (note 37 CFR 1.9,	- 687.00			
		687.00			
		\$ 687.00			
	Fee for recording the end 1.21(h)). (See Item 13 be SHEET".				
TOTAL			To	tal Fees enclosed	\$ 687.00

^{*}May include Preliminary Amendment (see page 8) reducing the number of claims.

	i.	[X]		ck in the amount of 687.00 to cover the above fees is enclosed.		
	ii.	[] A dupl		charge Account No. 12-0425 in the amount of \$ py of this sheet is enclosed.		
WARNING:		"To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: $*(2)$ the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).				
WARNING:		If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.				
	[X]	Asserti	on of S	mall Entity Status		
	[X]	Applic [X] [X]		by asserts status as a small entity under 37 C.F.R. § 1.27 by. ement or Written Assertion attached.		
NOTE:				rith the assertion of small entity status, whether by a written specific declaration thereof tity of the basic filing fee or the fee for the entry into the national phase as states:		
		should n entity st establish entitleme	nake a de atus base small er ent to sma	small entity status. Any party (person, small business concern or nonprofit organization) termination, pursuant to paragraph (f) of this section, of entitlement to be accorded small ed on the definitions set forth in paragraph (a) of this section, and must, in order to attity status for the purpose of paying small entity fees, actually make an assertion of all entity status, in the manner set forth in paragraph (c)(1) or (c)(3) of this section, in the tent in which such small entity fees are to be paid.		
		(1)		on by writing. Small entity status may be established by a written assertion of entitlement entity status. A written assertion must:		
			(i)	Be clearly identifiable;		
			(ii)	Be signed (see paragraph (c)(2) of this section); and		
			(iii)	Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order		

(2) Parties who can sign and file the written assertion. The written assertion can be signed by:

to comply with the assertion requirement.

- One of the parties identified in §§ 1.33(b) (e.g., an attorney or agent registered with the (i) Office), §§ 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- At least one of the individuals identified as an inventor (even though a §§ 1.63 executed (ii) oath or declaration has not been submitted), notwithstanding §§ 1.33(b)(4), who can also file the written assertion pursuant to the exception under §§ 1.33(b) of this part; or

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- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3./73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under §§ 1.33(b) of this part.
- (3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4) or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.
 - (i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in §§ 1.16(e) or §§ 1.16(l).
 - (ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."
- 3. [X] A copy of the International application as filed (35 U.S.C. 371(c)(2)):

NOTE: Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

Office. c. [X] has been transmitted i. [X] by the International Bureau. Date of mailing of the application (from form PCT/IB/308): 2 2004 ii. [] by applicant on Date		a.	[]	is transmitted herewith.
i. [X] by the International Bureau. Date of mailing of the application (from form PCT/IB/308): 2 2004 ii. [] by applicant on		b.	[]	is not required, as the application was filed with the United States Receiving Office.
i. [X] by the International Bureau. Date of mailing of the application (from form PCT/IB/308): 2 2004 ii. [] by applicant on Date [X] A translation of the International application into the English languag 371(c)(2)): a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on Date		c.	[X]	has been transmitted
ii. Date			i.	[X] by the International Bureau.
ii. [] by applicant on Date [X] A translation of the International application into the English languag 371(c)(2)): a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on				Date of mailing of the application (from form PCT/IB/308): 22 JANUARY
Date [X] A translation of the International application into the English languag 371(c)(2)): a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on				2004
Date [X] A translation of the International application into the English languag 371(c)(2)): a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on			ii.	by applicant on
a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on				
 a. [X] is transmitted herewith. b. [] is not required as the application was filed in English. c. [] was previously transmitted by applicant on	1.	[X]		slation of the International application into the English language (35 U.S.C. (2)):
c. [] was previously transmitted by applicant on		a.	• • •	· · · ·
c. [] was previously transmitted by applicant on		b.		is not required as the application was filed in English.
d. [] will follow.		c.	į	was previously transmitted by applicant on
		d.	[]	will follow.

NOTE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits... a translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2))... applicant will be so notified and given a period of time within which to file the translation... in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of thirty months after the priority date.... A 'Sequence Listing' need not be translated if the "Sequence Listing' complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b)."

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5.	[X]		Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):			
NOTE:	practice may not of the PC section I	The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuin tractice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadling and not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under the ection 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomater or some perfect of the process of the existing and the entire may be corrected." 1147 O.G. 29-40, at 36.				
NOTE:	amendm thirty mo	ents into E onths from	l): "A copy of any amendments to the claims made under PCT Article 19, and a translation of those inglish, if they were made in another language, must be furnished not later than the expiration of the priority date. Amendments under PCT Article 19 which are not received by the expiration of the priority date will be considered to be canceled."			
	a.	[X]	are transmitted herewith.			
	b.	[]	have been transmitted			
		i.	[] by the International Bureau.			
			Date of mailing of the amendment (from form PCT/IB/308):			
		ii.	[] by applicant on			
	c.	r ı	have not been transmitted as			
	C.	[] i.	applicant chose not to make amendments under PCT Article 19.			
		••	Date of mailing of Search Report (from form PCT/ISA/210):			
		ii.	[] the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.			
6.	[X]	A trans 371(c)(lation of the amendments to the claims under PCT Article 19 (38 U.S.C. 3)):			
	a.	[X]	is transmitted herewith.			
	b.	[]	will follow			
	c.	[]	is not required as the amendments were made in the English language.			
	d.	[]	has not been transmitted for reasons indicated at point 5(c) above.			
7.	[]	• •	of the international examination report (PCT/IPEA/409)			
		[]	is transmitted herewith. is not required as the application was filed with the United States Receiving Office.			
8.	[]	•	es) to the international preliminary examination report			
	a.	[]	is/are transmitted herewith.			
	b.	[]	is/are not required as the application was filed with the United States Receiving Office.			

9.	LJ	A tran	slation of the annexes to the international preliminary examination report		
NOTE:	OTE: 37 C.F.R. § 1.497(e) "A translation into English of any annexes to an international preliminary examin (if applicable), if the annexes were made in another language, must be furnished not later than the expirat months form the priority date. Translations of the annexes which are not received by the expiration of the from the priority date may be submitted within any period set pursuant to paragraph (c) of this section a by the processing fee set forth in § 1.492(f). Annexes for which translations are not timely received will be canceled."				
	a. b.	[]	is transmitted herewith. is not required as the annexes are in the English language.		
10.	[X]	An oat U.S.C.	h or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35		
	a.	[]	was previously submitted by applicant on Date		
	b.	[X] i. ii.	is submitted herewith, and such oath or declaration [] is attached to the application.		
		11.	[X] identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.		
	c.	[]	will follow.		
NOTE:	the prior declarate applicate notified of the ap	rity date lion of invion under and given oplication	(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the tomits the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if wentorship in compliance with § 1.497 has not been previously submitted in the international PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so a period of time within which to file the oath or declaration in order to prevent abandonment The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath of inventor later than the expiration of thirty months after the priority date."		
Other of	documen	t(s) or in	nformation included:		
11.	[X]	An Into	ernational Search Report (PCT/ISA/210) or Declaration under PCT Article a):		
	a.	[X]	is transmitted herewith.		
	b.	[]	has been transmitted by the International Bureau.		
	c.	[]	Date of mailing (from form PCT/IB/308): is not required, as the application was searched by the United States International Searching Authority.		
	d.	[]	will be transmitted promptly upon request.		
	e.	[]	has been submitted by applicant on		
12.	[X]	An Inf	Date ormation Disclosure Statement under 37 C.F.R. 1.97 and 1.98:		
12.	a.	[X]	is transmitted herewith.		
		[]	Also transmitted herewith is/are:		
		[X]	Form PTO-1449 (PTO/SB/08A and 08B).		
		[X]	Copies of citations listed.		
	b.	[]	will be transmitted within THREE MONTHS of the date of submission of		
	c.	[]	requirements under 35 U.S.C. 371(c). was previously submitted by applicant on		
	C.	ſJ	Date		

[X]	Additional documents:
a.	[X] Copy of request (PCT/RO/101)
b.	[X] International Publication No. WO 2004/006823 A1
	i. [X] Specification, claims and drawing
	ii. [] Front page only [X] Preliminary amendment (37 C.F.R. § 1.121)
c. d.	[X] Preliminary amendment (37 C.F.R. § 1.121) [X] Other
	PCT/IB/304 PCT/IB/306 PCT/IB/308 PCT/IB/332 PCT/IB/359 PCT/IPEA/401 (DEMAND)
[X]	The above checked items are being transmitted
a.	[X] before 30 months from any claimed priority date.
b.	after 30 months.
[]	Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING:

Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE:	nor wil	l the paye	nty-five dollars or less will not be returned unless sp er be notified of such amounts; amounts over twenty dit to a deposit account." 37 C.F.R. § 1.26(a).	pecifically requested within a reasonable time, v-five dollars may be returned by check or, if	
	[X]	may b	Commissioner is hereby authorized to charge be required by this paper and during the entiunt No. 12-0425		
		[X]	37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)	
WARNI	NG:	Because results	re failure to pay the national fee within 30 months wit in abandonment of the application, it would be best t	hout extension (37 C.F.R. § 1.495(b)(2)) to always check the above box.	
		[]	37 C.F.R. 1.492(b), (c) and (d) (presenta	tion of extra claims)	
NOTE:	TE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation mus be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge addiclaim fees, except possible when dealing with amendments after final action.				
		[X] [X] [X]	37 C.F.R. 1.17 (application processing for 37 C.F.R. 1.17(a)(1)-(5)(extension fees particles) 37 C.F.R. 1.18 (issue fee at or before material pursuant to 37 C.F.R. 1.311(b))	oursuant to § 1.136(a).	
NOTE:	Allowa	nce, the is	rization to charge the issue fee to a deposit account hissue fee will be automatically charged to the depos F.R. § 1.311(b).	as been filed before the mailing of a Notice of it account at the time of mailing the notice of	
NOTE:	applica notifica	ition p. ition of ch) requires "Notification of any change in loss of entitle prior to paying, or at the time of paying issue fee." Thange of status must be made even if the fee is pay The paying is to another small entity.	' From the wording of 37 C.F.R. § 1.28(b): (a)	
		[]	37 C.F.R. § 1.492(e) and (f) (surcharge filing an English translation of an Internation of the priority date).		
		[X]	Please credit any overpayments to deposi		
Reg N	Io.: 25	858		LLIAM R. EVANS	
reg. I	10 23	,030		e or print name of practitioner)	
Tel. No	o.: (212)708-19		Address	
Custor	ner No.	: 00140		Ladas & Parry LLP	
				West 61 st Street w York, N.Y. 10023	

00140

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